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**Community Relations Plan**  
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**Materials Recovery Enterprises**

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**April 2003**

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# **Materials Recovery Enterprises, Inc. State Superfund Site Ovalo, Texas**

## **Community Relations Plan for Remedial Design and Remedial Action**

Updated: April 2003

REMEDIATION DIVISION

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**COMMUNITY RELATIONS PLAN**  
**for**  
**REMEDIAL DESIGN**  
**and**  
**REMEDIAL ACTION**

Materials Recovery Enterprises, Inc.  
State Superfund Site  
Ovalo, Taylor County, Texas

Updated - April 2003

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Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (June 4, 1999).

Public Notice of Land Use Designation Meeting for the MRE site published in The Journal (July 15, 1999).

Public Notice of Land Use Designation Meeting for the MRE site published in the Texas Register (July 16, 1999).

Display Ad for Notice of Public Meeting for Land Use Designation for the MRE site in The Journal (August 12, 1999)

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 26, 2000).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 24, 2000).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 18, 2001).

Public Notice of Proposed Selection of Remedy for the MRE site published in The Journal (October 4, 2001).

Public Notice of Proposed Selection of Remedy for the MRE site published in the Texas Register (October 5, 2001).

Display Ad for Notice of Public Meeting for Proposed Selection of Remedy for the MRE site published in The Journal (November 1, 2001).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 23, 2001).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (May 24, 2002).

Public Notice of State Superfund Registry in order of Hazard Ranking Score published in the Texas Register (November 29, 2002).

# Overview of Community Relations Plan

This Community Relations Plan (CRP) identifies issues of potential community concern regarding the Materials Recovery Enterprise, Inc. (MRE) site, in Ovalo, Taylor County, Texas. It also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the MRE site.

The MRE CRP has been prepared to aid the Texas Commission on Environmental Quality (TCEQ) in developing a community relations program tailored to the needs of the community affected by the MRE site. The TCEQ will conduct community relations activities to ensure that the local public has input to decisions and access to information about Superfund activities at the MRE site.

The information in this plan is based primarily on the Resource Conservation Recovery Act (RCRA) 3012 Preliminary Assessment, the Hazard Ranking System (HRS) package, the Pre-Statement of Work, Remedial Investigation Report and the Proposed Remedial Action Document for the MRE site.

# Site Profile

## A. Site Location and Description:

The MRE facility is an abandoned commercial Class I industrial solid waste disposal facility located approximately 0.25 mile north of FM 604 and 0.5 mile east of US 83 about four miles southwest of Ovalo, and about 20 miles south southwest of Abilene, Taylor County, Texas. The facility coordinates are 32' 07' 53 " north latitude and 99' 51' 17" west longitude.

The site consists of five tracts totaling 11.47 acres. The land surrounding the site is primarily used for agricultural purposes including crops and cattle. The south side is undeveloped. A residence was recently built approximately 500 feet east of the facility.

The primary waste storage unit was a decommissioned Atlas missile silo complex which MRE converted to receive wastes. The facility also contained a truck unloading platform, an evaporation pond, a drum storage area and the buried remnants of the liner from the evaporation pond.

The main silo is approximately 52 feet in diameter and extends approximately 174 feet below ground surface. The silo is constructed of reinforced concrete varying from 30 inches to 9 feet thick. The Air Force decommissioned the silo and sold the property in 1968.

In 1978 the Texas Department of Water Resources (TDWR) issued a commercial Class I permit to MRE for an industrial solid waste management facility. MRE commenced operations at the facility in March 1979. Inspections by TDWR from 1980 to 1982 revealed that MRE was not operating in compliance with their permit. Therefore, in 1982 the TDWR suspended MRE's permit for accepting, storing, treating or disposing of any additional waste materials. The last reported acceptance of waste was in May 1982.

From 1982 through 1988 the TDWR and its successor agency the Texas Water Commission (TWC) pursued legal efforts and proper closure of the facility. MRE apparently abandoned the facility sometime in late 1987.

Most recent estimates are that the waste silo contains approximately one million gallons of wastes generally associated with metal finishing, electroplating and paint manufacturing activities. Additional wastes disposed in the evaporation ponds may have been pumped back into the waste silo or evaporated.

A public meeting was held on September 4, 1997 regarding the proposed listing of the site to the State Superfund registry. The public meeting was legislative in nature and not a contested case hearing under the Texas Administrative Procedure Act (Government Code, Chapter 2001). People desiring to comment on the proposed listing of this site were able to do so.

## B. Background and Site Chronology

The primary waste storage unit was a decommissioned Atlas missile silo complex which MRE converted to receive wastes. The facility also contained a truck unloading platform, an evaporation pond, a drum storage area and the buried remnants of the liner from the evaporation pond.

The main silo is approximately 52 feet in diameter and extends approximately 174 feet below ground surface. The silo is constructed of reinforced concrete that thickens toward the surface with a wall thickness varying from 30 inches to 9 feet. The Air Force decommissioned the silo and sold the property in 1968 to James H. Smith.

Mr. Smith used the property to graze cattle and as a storage facility. He has stated that he never stored any chemicals at the site.

Mr. Smith then sold the 11.47 acre property to MRE of Dallas County, Texas.

(Note: The state predecessor agencies: Texas Water Quality Board (TWQB), Texas Department of Water Resources (TDWR), Texas Water Commission (TWC), Texas Air Control Board (TACB), and the Texas Natural Resource Conservation Commission (TNRCC) referred to throughout this document are now known as the Texas Commission on Environmental Quality (TCEQ). The new agency name, TCEQ, became effective September 1, 2002, as mandated under State House Bill 2912 of the 77th Regular Legislative Session.)

The following historical information has been taken from available records and correspondence:

**November 18, 1977** - Gutierrez, Smouse, Wilmut & Associates, Inc. (GSW & Associates, Inc.) representing MRE, submitted a permit application to the Texas Department of Water Resources for a Class I industrial solid waste management site.

**October 3, 1978** - TDWR issued a commercial Class I Permit (No. 39038) to MRE for an industrial solid waste management site in Taylor County, with the following stipulations:

MRE must construct the proposed metals reclamation facility in 4 phases:

1. Phase I - Modifications, including the construction of a flow metering station and a truck unloading platform to the missile silo structure for the receipt of wastes. In addition, four monitoring wells were to be placed around the waste storage silo.
2. Phase II - Construction of an initial evaporation pond that would control the amount of liquid waste in the waste storage silo.
3. Phase III - Construction of two additional evaporation ponds and a drum storage area.

4. Phase IV - Construction of a chrome reduction and neutralization plant and the installation of additional groundwater monitoring wells adjacent to the plant.

MRE completed the first two phases:

1. Phase I - Modifying the missile silo so that it could receive wastes, constructing a concrete truck unloading platform to unload wastes into the silo and installing a flow metering device to measure the amounts of waste deposited into the silo.

2. Phase II - Construction of an evaporation pond to reduce the volume of supernatant liquid deposited into the silo. The 85 feet wide by 95 feet long by 4 feet deep pond was lined with a pre-fabricated liner and a clay topcoat.

**March 28, 1979** - TDWR gave approval for MRE to begin to accept industrial waste.

**April 16, 1980** - a TDWR enforcement action report documented that MRE was in violation of their permit due to an excessive amount of waste being stored in the silo.

**July 29, 1980** - the original owners, John P. Smouse, Albert F. Gutierrez and Charles G. Wilmut, sold their interests in MRE to Arroyo Gathering Company, which retained the name Materials Recovery Enterprises, Inc.

**September 24, 1980** - TDWR ordered MRE to repair an apparent hole in the synthetic liner of the evaporation pond that was discovered during an inspection of the site. MRE was instructed to:

1. Remove all liquids and associated sludge from the pond by pumping it into the silo.
2. Remove all solids and dispose of them in an authorized Class I solid waste site.
3. Remove the damaged liner and all contaminated soils and deposit them in an authorized Class I solid waste site.
4. Repair or replace the synthetic liner and under drain system.
5. Notify the TDWR at least 24 hours prior to initiating these actions.

**November 18, 1981** - MRE notified TDWR that they would commence removal and disposal of the existing evaporation pond on November 24, 1981.

**April 12, 1982** - the disposal of pond remnants in an onsite landfill was complete.

**January 29, 1982** - TDWR requested that the Texas Office of the Attorney General (OAG) initiate appropriate legal action for violations of the Texas Solid Waste Disposal Act, Article 4477-7 and TDWR rules. Noted violations included:

1. Waste elevation in the silo exceeded 30 feet during Phase I of facility operation.
2. Discrepancies with waste manifests.
3. Failure to file written proof of additional surety bond amounts for Phase II facilities prior to placing them in operation.
4. Hexavalent chromium concentrations in the silo exceeded the allowable 0.5 mg/l as stipulated in the permit.
5. Failure to make timely rehabilitation of the evaporation pond following detection of seepage in the pond under drain.
6. Failure to submit monthly ground water monitoring results as required.

**September 3, 1982** - TDWR requested a partial suspension of Permit No. 39038 to disallow authorization for any further storage and treatment of waste materials not on site at the time of the suspension, until such time that the permittee demonstrates the ability to comply with all permit provisions. Following a public hearing on the request, the partial suspension was ordered on October 27, 1982.

**November 9, 1982** - MRE submitted a closure plan and closure cost estimate to TDWR.

**December 7, 1982** - TDWR requested the OAG to refrain - for the time being - from filing suit against MRE because MRE was making some progress in correcting the permit violations.

**January 24, 1983** - TDWR gave approval for MRE's amended silo waste treatment plan.

**September 29, 1983** - TDWR inspected the facility. During that inspection, the TDWR inspector was told by an MRE representative that he (the representative) had detected a leak in the new evaporation pond liner when he began to transfer waste from the silo to the pond. Pumping log entries showed:

1. September 23, 1983 - began transfer of waste from the silo to the evaporation pond.
2. September 25, 1983 - noticed a slow leak of liquid into the leak detection sump from the waste lagoon.
3. September 26, 1983 - observed an increase in the volume of waste in the leak detection sump.

4. September 27, 1983 - the liquid level in the sump was above the influent pipe from the under drain of the waste lagoon. Flow to the lagoon was shut off and was pumped back into the silo. Approximately 79,000 gallons of waste had been pumped into the lagoon prior to shutdown. When waste was pumped from the sump, it would immediately refill with a strong surge of liquid through the pipe indicating a major leak in the pond liner.

During the September 29 inspection, most of the waste in the lagoon had been returned to the silo. A low volume of waste continued to drain from the under drain to the leak detection sump. The TDWR inspector was told that the liner was under warranty and that repairs would begin as soon as the lagoon was completely dry.

**March 24, 1984** - TDWR sent a notice of noncompliance to MRE directing them to send all management plans, schedules and operating records to TDWR within five working days.

**April 26, 1984** - a TDWR report documented plans to pursue facility closure, appropriate enforcement action and revocation of MRE's permit due to failed efforts to force MRE to comply with the terms and conditions of its permit.

**June 18, 1984** - TDWR informed the attorney general's office of requirements for site closure at MRE.

**February 21, 1985** - TDWR reported results of a January 29, 1985 annual solid waste compliance inspection at the MRE facility. Fourteen (14) violations of the Texas Administrative Code were documented.

**April 17, 1985** - Harding Lawson & Associates (consultants to MRE) provided the OAG with a copy of MRE's final closure plan.

**June 6, 1985** - TDWR requested from MRE a copy of Part B of a hazardous waste permit filed in accordance with Title 31 TAC Section 341.180.

**August 7, 1985** - an agreed temporary order between the State of Texas and MRE was signed by all parties.

**February 6, 1986** - TWC reported on the results of their February 5, 1986 inspection of the MRE facility and noted the following violations:

1. The evaporation system was operating with no personnel on site as required in the agreed temporary order No. 39,228-A.
2. Spray drift and foam were being blown over the dike of the surface impoundment on the west and southwest side, also in violation of the agreed order.
3. Reporting deficiencies were noted in the company's operating notebook:

- a) No date and time of facility inspection.
- b) Level of liquid in the surface impoundment was not recorded daily.
- c) No weekly level of the liquid in the silo had been recorded.

**March 14, 1986** - the U.S. Environmental Protection Agency (EPA) provided the TWC with a preliminary draft of a Complaint, Compliance Order and Notice of Opportunity for Hearing for MRE.

**March 24, 1986** - the attorney representing MRE requested that the parties extend the temporary injunction for one year while MRE continued to evaporate waste at their facility.

**April 18, 1986** - EPA provided the TWC a copy of their preliminary review of the MRE facility and informed the TWC that they no longer intended to file a Complaint, Compliance Order and Notice of Opportunity for Hearing against MRE because of the agreement between MRE and the State of Texas to close the facility.

**July 2, 1986** - TWC reported on the results of the April 7, 1986 case development inspection at the MRE facility. The following violations were noted:

1. The evaporation system was operating with no personnel on site as required by the agreed temporary order.
2. Spray drift and foam were being blown over the dike of the surface impoundment on the north and northeast side.
3. The company's daily operating notebook was deficient of dates and times of facility inspection and no liquid level measurements were recorded for the surface impoundment or the silo.

**October 16, 1986** - TWC performed a comprehensive monitoring evaluation inspection at MRE, which included sampling of two of the monitor wells on site.

**January 15, 1988** - the Taylor County district court clerk advised the OAG of the dismissal of the MRE case from their docket for lack of prosecution.

**February 3, 1988** - the OAG filed a motion for removal from the Taylor County district court dismissal docket due to the temporary injunction in place against MRE.

**February 8, 1988** - TWC performed an annual solid waste compliance inspection at the MRE facility and found that all hazardous waste signs had deteriorated and/or blown down, the fence had been cut allowing easy access to the property, the record book was missing, the liner of the surface impoundment had several splits along the seams, the leachate collection system contained several feet of water, the cover to the silo was missing, the silo living quarters had been vandalized and two drums of hazardous wastes were found at the site.

**April 29, 1988** - TWC informed MRE of their requirements to file Part B of a Hazardous Waste Permit.

**December 20, 1988** - TWC reported the results of the November 28, 1988 annual compliance evaluation inspection at the MRE facility. It was noted that the terms of the agreed temporary order were never accomplished and that the facility had been abandoned since late 1987. The facility had been evaporating the wastes from the silo in the surface impoundment until November 1987 when the electricity was cut off.

**April 17, 1990** - TWC enforcement screening committee referred the site to the Superfund and Emergency Response Section for possible federal or state Superfund action.

**August 23, 1990** - after preliminary evaluation, the EPA referred the site back to the state for possible state Superfund action.

**September 2, 1992** - the Industrial and Hazardous Waste Division of TWC referred the site to the Pollution Cleanup Division, Emergency Response and Assessment Section.

**March 1997 through November 1998** - the Texas Natural Resource Conservation Commission (TNRCC) conducted a detailed search for and compilation of waste disposal records for the MRE site.

**July 23, 1997** - TNRCC notified approximately 75 companies that they may be liable for the investigation and remediation of the MRE site. At this time the TNRCC named these companies as Potential Responsible Parties (PRPs) and requested that they negotiate an Agreed Administrative Order (the Order) to conduct a Remedial Investigation and Feasibility Study (RI/FS) at the site.

**July 1997 through May 1998** - the TNRCC negotiated the Order with numerous PRPs. On May 7, 1998 the negotiations were successfully completed with approximately 35 companies (the Respondents) with the approval of the Order by the TNRCC Commissioners.

**January 15, 1999** - the Respondents hired an environmental consultant who, in accordance with the Order, submitted a draft Workplan for the RI/FS. The Workplan was reviewed by the TNRCC, revised by the consultant and subsequently approved by the TNRCC.

**February 1999** - the consultant conducted field work, including collection of numerous soil samples, investigation of the silo and evaporation pond and drilling of boreholes to determine if groundwater was present on the site.

**June 3, 1999** - upon the completion of field work, the consultant compiled the data, assessed the sample results and generated the draft Remedial Investigation Report (RI Report) which was submitted to the TNRCC.

**July 16, 1999** - a legal notice was published in the *Texas Register*, (24 TexReg 5594-5595) proposing non-residential land use specifications for remediation of the site

contamination. The land use designation may be considered in any remedial action proposed for the site.

**July 21, 1999** - TNRCC reviewed the RI Report and requested revisions and additions.

**August 23, 1999** - the consultant submitted a revised RI Report.

**August 26, 1999** - a public meeting was held at the Tuscola Community Center to receive comments on the proposed non-residential land use for the site.

**September 2, 1999** - the TNRCC approved the consultant's remedial investigation report.

**September 3, 1999** - a community relations plan was prepared for the MRE site.

**December 1, 1999** - TNRCC accepted the PRP's notice of intent to conduct a site assessment under the Texas Risk Reduction program rule.

**November 13, 2000** - TNRCC approved the PRP's Protective Concentration Limits (PCLs) and the Tier 1 Ecological Exclusion Criteria Checklist for the site.

**November 22, 2000** - TNRCC received the draft response action plan from the PRPs, which detailed the proposed steps to address the contamination on the property.

**April 17, 2001** - TNRCC approved the remedial action plan and also approved the PRPs completion of the RI/FS administrative order.

**August 15, 2001** - a copy of the proposed remedial action document (PRAD) was prepared for the MRE site. The PRAD is available as part of official repository records at the Abilene Public Library or the Tuscola City Hall Mayor's Office and the TNRCC Records Management Center.

**October 4, 2001** - a legal notice was published in the *Tuscola Journal*, announcing a public meeting would be held November 8, 2001, at Jim Ned High School Cafetorium to present to the community the proposed cleanup alternatives and justification for how the remedy demonstrates compliance with the relevant cleanup standards.

**October 5, 2001** - a legal notice was published in the *Texas Register*, announcing a public meeting would be held November 8, 2001, at Jim Ned High School Cafetorium to present to the community the proposed cleanup alternatives and justification for how the remedy demonstrates compliance with the relevant cleanup standards.

**November 8, 2001** - twenty-five interested citizens signed the register at a public meeting at Jim Ned High School Cafetorium. The meeting was to provide information on the proposed cleanup alternatives, which addressed several areas of concern:

1. The water within the evaporation pond was to be pumped out and treated onsite and then discharged to the drainage ditch leading to the south.

2. The sludge within the pond was to be pumped or excavated and transferred to the silo.
3. The plastic liner from the pond was to be removed and placed into the silo.
4. The contents of the loading dock sump was to be removed by pumping or excavation and placed into the silo.
5. A six-inch layer of reinforced concrete was to cover the entire silo area, including all openings and air vents.
6. Tests on a buried plastic liner and nearby subsurface soils show no danger posed to human health or the environment; no further remedial action was planned.

**January 18, 2002** - TNRCC sent out notification letters to PRPs, requesting a response to commit to funding the remedial design and to implement a remedial action under an order with the commission.

**March 25, 2002** - TNRCC received a good faith offer from a group of PRPs.

**July 8, 2002** - TNRCC staff met with Taylor County Judge Victor Carrillo, Scott Bailey of Rep. Jim Keffer's office, Casey Kelley of Rep. Bob Hunter's office, Blake Woodall of Senator Troy Fraser's office, Taylor County Commissioner Stan Egger, and Professor Herbert Grover to discuss the remedy for the MRE site.

**July 9, 2002** - TNRCC informed the staff of Senator Troy Fraser, Representative Bob Hunter, Representative Jim Keffer & Taylor County Judge Carrillo that the TNRCC would be asking for a continuance for the MRE site agenda item #54, (Superfund - Consideration of an Administrative Order to conduct Remedial Design/Remedial Action activities at the MRE State Superfund Site) which was scheduled to be presented before the commission on July 10, 2002. This continuance was requested and granted to allow interested citizens and officials the opportunity to attend the meeting, TNRCC staff time to consider recently raised community concerns, and to allow the PRPs time to compile additional information requested by TNRCC Commissioner Kathleen White.

**August 12, 2002** - TNRCC's Executive Director requested a remand for consideration of the Remedial Design and Remedial Action (RD/RA) Agreed Order in order to allow additional time to renegotiate the order to account for newly-raised concerns.

**August 13, 2002** - Taylor County Commissioners proposed and passed a local resolution indicating the County's disapproval of the TNRCC's proposed remedy at the MRE site.

# Community Profile

The area within a three-mile radius of the MRE site is mostly open range land. There are nearly 300 landowners within the perimeter and at least three organized communities outside but within close proximity.

The community of Ovalo is approximately four miles north of the MRE site. Although unincorporated, the community has a U.S. Post Office to serve its 225 residents, and the postmistress, Ms. Linda Boulter has been very cooperative in assisting in contacting residents whenever needed. She is also the person who handles reservations for the Ovalo Community Center, if there is a need to have a gathering closer to the MRE site than the Jim Ned High School in Tuscola.

The city of Tuscola is six miles further north; it has a population of 635, a bank and 34 businesses, as well as the regional school district high school and is considered by most of the residents in the region to be the business and social hub. The new high school is central to most of the residents of the school district, is conveniently located close to the main highway, is a familiar location to nearly everyone and has a cafetorium that can accommodate groups of 400 or more.

Tuscola has an organized city government with a mayor and a four member city council. As the largest community in the region, it is one of three locations for collections of public records on the MRE facility, the second being the Abilene Public Library and the third at TCEQ headquarters in Austin. At the time of this writing, space in the office of the mayor of Tuscola is being used as a repository for MRE records because the city does not have a library.

City secretary Billie Pearce is maintaining public access to the MRE records in the Tuscola City Hall. The records, which contain a brief summary of the TCEQ records and a portion of the public records for the site, are available for inspection and copying during regular business hours at 418 Graham Street in Tuscola, telephone 915.554.7766.

The second repository for public access to the records concerning the MRE facility is at the public library in Abilene, 202 Cedar Street, telephone 915.677.2674. Inspection and copying of the records may be done during regular business hours. Copying of file information is subject to payment of a fee.

Copies of the complete public record may be obtained during regular business hours at the third repository, the TCEQ Central Records Center, Building E, 12100 Park 35 Circle, Austin, Texas, telephone 512.239.2920. Copying of file information is subject to payment of a fee.

Lawn, the second largest community in the area with a population of 373, also has a city government with a mayor and a council. All three communities, Lawn, Ovalo and Tuscola, are linked by the rural postal routes which overlap to maintain efficient delivery service.

In addition to the tabulated populations of each of the three communities, former Precinct 4 County Commissioner Neil Fry provided a list of 206 property owners within a 3-mile radius of the site. Many of the people on the list are absentee landowners who acquired their property after the activity was halted at the MRE site.

The TCEQ decision to initiate investigation at the site is the first notice that many of the absentee landowners had of the existence of the facility.

The U. S. Census estimates the 2000 population of Taylor County to be the following:

<b>RACE</b>	
<b>Total Population</b>	<b>126,555</b>
One race	123,490
White	102,016
Black or African American	8,517
American Indian and Alaska Native	733
Asian	1,577
Native Hawaiian and Other Pacific Islander	85
Some other race	10,562
Two or more races	3,065
 <b>HISPANIC or LATINO and RACE</b>	
<b>Total Population</b>	<b>126,555</b>
Hispanic or Latino (of any race)	22,328
Not Hispanic or Latino	104,227
One race	102,430
White	91,999
Black or African American	8,243
American Indian and Alaska Native	494
Asian	1,523
Native Hawaiian and Other Pacific Islander	67
Some other race	104
Two or more races	1,797

# Community Involvement

When the MRE partners applied for a permit to use the abandoned Atlas missile silo near Ovalo as a holding tank for industrial wastes in 1977, nearby residents, many who relied on shallow (40-50 foot) wells for human and livestock drinking water, asked for state protection from leaks that could cause contamination to their water supply.

About 40 nearby property owners attended the June 7, 1978, public meeting in Abilene to record their concerns that the use of the missile silo as an industrial waste processing site would lower their property values and pose health threats to the animals and humans in the area. Many of the property owners expressed their concerns in personal letters to the TDWR, citing failures of the Texas Railroad Commission to live up to its assurances several years earlier that salt water pits used by drilling rigs would not impact the drinking water. They said salt water from the drilling rig pits had invaded their drinking water.

Several landowners who had worked on the construction of the missile silo warned that water had streamed into the silo during construction. The water entered through the north side of the silo about 70 feet below ground level during construction. Their logic was, "if water was able to leak into the silo, surely liquid waste will be able to leak out of the silo."

State agency representatives assured the assembly that monitoring devices would be installed to detect leakage, and corrective measures (up to and including total removal of all sludge) would be required if leakage occurred.

MRE representatives said they were proposing to use evaporation ponds to reduce the liquid waste stored in the silo to a thick sludge with an alkaline pH that would not react with the concrete. The thick sludge would act as a plug, so there would be little chance of leaking into the water supply even if a major breach occurred in the concrete walls, they said. MRE officials said they would fill the silo slowly - about five years - so that safety could be monitored. Within 13 months, however, a TDWR enforcement action report documented that MRE was in violation of their permit due to an excessive amount of liquid waste being stored in the silo. And within five more months, the synthetic liner in the evaporation pond began to leak and had to be replaced.

A time-consuming series of violations, citations and negotiations halted activity at the facility in late 1987 when MRE abandoned the site.

Both the state and federal government continued to have interest in the site, with the TNRCC Pollution Cleanup Division assuming responsibilities for the site in 1997.

The first step the TNRCC took was public announcement of the intent to list the site to the state Superfund registry, and to host a public meeting to bring the interested citizens and landowners up-to-date and to seek their assistance in identifying potentially responsible parties to share in the costs of cleanup.

Among attendees at the September 4, 1997 public meeting held at Jim Ned School,

Tuscola, were many of the landowners who had argued against the granting of the permit to MRE in 1978, and who were concerned that the state was going to re-start waste activities at the site. However, the comments were generally in support of moving ahead with whatever action is needed to control any potential hazard that may be posed by the silo.

Telephone inquiries have been documented from residents, law firms representing potentially responsible parties and elected officials at the county, state and federal levels.

Neil Fry, the Taylor County Precinct 4 Commissioner, provided a list in 1997 of 207 property owners within a 3-mile radius of the MRE site from the county's tax rolls. Many of these property owners live out of town and can only be notified by mail. These names have been added to a mailing list of people to be notified or updated on site activities, project status and investigation results.

On August 26, 1999, a public meeting was held at the Tuscola Community Center in Tuscola, Texas to get input from the public regarding the future land use designation of the MRE site. There was a general concern at the meeting that the site would be used as a landfill or as a hazardous waste dump site after the cleanup was finished. TNRCC personnel at the meeting told the citizens that the land use designation applied only to a residential or non-residential status pertaining to cleanup. The TNRCC would only have input for the future of the site itself if someone came before the commission wanting a permit for a regulated activity. Attendees at the meeting included Larry Sanders of State Senator Troy Fraser's office, State Representative Jim Keffer, and Taylor County Commissioner Precinct 4 Chuck Statler.

A public meeting was held on November 8, 2001 at the Jim Ned High School Cafetorium. TNRCC staff briefed 25 citizens regarding the state's proposed cleanup alternatives for the various areas of concern at the MRE site:

1. Water in the evaporation pond, to be pumped and treated onsite and discharged to the drainage ditch leading to the south.
2. Sludge within the pond, to be removed and placed in the silo.
3. Plastic liner, to removed from the pond and placed in the silo.
4. Contents of the loading dock sump, to be removed and placed in the silo.
- 5 Silo cover, a layer of at least 6 inches reinforced concrete to cover the entire silo area.

TNRCC staff met in early July 2002 with Taylor County Judge Victor Carrillo, Scott Bailey of Rep. Jim Keffer's office, Casey Kelley of Rep. Bob Hunter's office, Blake Woodall of Senator Troy Fraser's office, Taylor County Commissioner Stan Egger, and Professor Herbert Grover to discuss the remedy for the MRE site. At the meeting participants discussed the proposed remedy.

On July 9, 2002, TNRCC staff informed the staff of Senator Troy Fraser, Representative

Bob Hunter, Representative Jim Keffer & Taylor County Judge Carrillo that the TNRCC would be asking for a continuance for the MRE agenda item #54, (Superfund - Consideration of an Administrative Order to conduct Remedial Design/Remedial Action activities at the MRE State Superfund Site) which was scheduled to be presented before the commission on July 10, 2002. This continuance was requested and granted to allow interested citizens and officials the opportunity to attend the meeting, allow TCEQ staff time to consider recently raised community concerns, and to allow the PRPs time to compile additional information requested by TNRCC Commissioner Kathleen White.

On August 12, 2002, TCEQ's Executive Director requested a remand for consideration of the RD/RA Agreed Order in order to allow additional time to renegotiate the order to account for newly-raised concerns.

During the Taylor County August 13, 2002 Commissioners meeting a resolution was proposed and passed indicating the County's disapproval of the TNRCC's proposed remedy at the MRE site.

# Specific Objectives of the Community Relations Program

1. Maintain open and ongoing two-way communications between the TCEQ; city, county and state officials; and area residents.
2. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
3. Provide a community relations contact from whom interested parties can receive information on site activities, project status, and study results.
4. Provide citizens, involved agencies, elected officials, civic leaders, and the media with accurate, timely information about site-related activities through fact sheets/newsletters, press releases, and community meetings.
5. Provide for and attend public meetings.
6. Respond to telephone inquiries and written correspondence in a timely, accurate manner.
7. Provide all information, especially technical findings, in language that is understandable to the general public and in a form useful to interested citizens and elected officials through the preparation of fact sheets, newsletters, and news releases when major findings are made available during project phases.
8. Monitor community concerns and information requirements as the project progresses.
9. Modify the CRP to address changes in community needs and to maintain accuracy during different project phases.

# Community Relations Techniques & Tools

1. Project mailing list - to provide the means through which press releases, project status reports and other significant communications can be distributed to elected officials, community groups, and citizens.
2. Project status briefing for state and local officials - to periodically inform them of project developments over the course of the project.
3. Project status briefing for community groups and concerned citizens (may include public meetings, if needed) - to periodically inform the community of significant project developments and findings, to respond to inquiries accordingly, and incorporate local concerns into the decision-making process as appropriate.
4. Informal meetings (if needed) with residents - to provide an opportunity for affected residents to express concerns and to make inquiries to ensure effective two-way communication.
5. Program document repository - to maintain an easily accessible repositories through which the public may review project outputs.
6. State Superfund Internet Homepage - to provide timely, current information on state Superfund activities on the World Wide Web at the following web address:  
  

[www.tnrcc.state.tx.us/permitting/remed/superfund/index.html](http://www.tnrcc.state.tx.us/permitting/remed/superfund/index.html)
7. CRP - to reflect changes in site activities or local concerns. After the Proposed Remedial Action Document has been issued, the CRP will be revised to address implementation of the selected remedial action.

## Federal Elected Officials

The Honorable John Cornyn  
United States Senator  
Room C5 Russell Senate Office Building  
Washington, D.C. 20510  
Phone - 202.224.2934  
FAX - 202.228.2856

The Honorable Kay Bailey Hutchinson  
United States Senator  
Room 284 Russell Senate Office Building  
Washington, D.C. 20510  
Phone - 202.224.5922  
FAX - 202.224.0776

The Honorable Charles W. Stenholm  
U.S. House of Representatives  
Congressional District 17  
Room 2405 Rayburn House Office Building  
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## State Elected Officials

The Honorable Troy Fraser  
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The Honorable Jim Keffer  
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The Honorable Jim Keffer  
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The Honorable Bob Hunter  
Texas House of Representatives  
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The Honorable Bob Hunter  
Texas House of Representatives  
District 71  
P O Box 1498  
Abilene, Texas 79604  
Phone - 915-677-0211  
Fax - 915.674.2130

## County Elected Officials

The Honorable Victor Carrillo  
Taylor County Judge  
County Courthouse  
300 Oak Street  
Abilene TX 79602  
Phone - 915.674.1380  
FAX - 915.674-1365

The Honorable Chuck Statler  
Taylor County Commissioner  
Precinct No. 4  
300 Oak Street  
Abilene TX 79602  
Phone - 915.674.1235  
FAX - 915.674.1365

The Honorable Stan Egger  
Taylor County Commissioner  
Precinct 3  
300 Oak Street  
Abilene TX 79602  
Phone - 915.674.1235  
FAX - 915.674.1365

## City Elected Officials

The Honorable Johnny Hudson  
Mayor of Lawn  
PO Box 246  
Lawn TX 79530-0246  
Phone - 915.583.2510

The Honorable Terry Bradley  
Mayor ProTem  
City of Lawn  
P O Box 246  
Lawn TX 79530-0246

The Honorable Dennis Baxtor  
Alderman  
City of Lawn  
PO Box 246  
Lawn TX 79530-0246

The Honorable Mitchell Connell  
Alderman  
City of Lawn  
PO Box 246  
Lawn TX 79530-0246

The Honorable Veronica Burleson  
Alderman  
City of Lawn  
PO Box 246  
Lawn TX 79530-0246

The Honorable Donnie Griffith  
Alderman  
City of Lawn  
PO Box 246  
Lawn TX 79530-0246

The Honorable Marvin Whiteaker  
Mayor ProTem  
City of Tuscola  
P O Box 34  
Tuscola TX 79562  
Phone - 915.554.7766  
FAX - 915.554.7766

The Honorable Molly Eisenberg  
Alderman  
City of Tuscola  
PO Box 34  
Tuscola TX 79562

The Honorable Tina Johnson  
Alderman  
City of Tuscola  
P O Box 34  
Tuscola TX 79562

The Honorable Butch Boulter  
Alderman  
City of Tuscola  
PO Box 34  
Tuscola TX 79562

The Honorable John Moore  
Alderman  
City of Tuscola  
P O Box 34  
Tuscola TX 79562

The Honorable Grady Barr  
Mayor of Abilene  
PO Box 60  
Abilene TX 79604-0060  
Phone - 915.676.6205  
FAX - 915.676.6229

# Ovalo Area Public Notice Media

*Jim Ned Journal*  
PO Box 339  
Tuscola TX 79562-0339  
Phone - 915.572.3716

*Abilene Reporter-News*  
PO Box 30  
Abilene TX 79604-0030  
Phone - 915.673.4271  
FAX - 915.673.1901

*Texas Farmer-Stockman*  
433 Graham Street  
Box 459  
Tuscola, Texas 79562-0459  
Phone - 915.554.7388  
FAX - 915.554.7389

KEAN-AM/FM  
Attn: Program Director  
P.O. Box 3098  
Abilene TX 79604  
Phone - 915.676.7711  
FAX - 915.676.3851

KKHR-FM  
Attn: News Director  
3301 South 14<sup>th</sup> Street  
Abilene TX 79605-5601  
Phone - 915.695.9898  
FAX - 915.695.9968

KORQ-FM  
Attn: Program Director  
1740 North 1<sup>st</sup> Street  
Abilene, TX 79603-7401  
Phone - 915.677.7225

KACU-FM  
Attn: News Editor  
ACU Station, Box 27820  
Abilene TX 79699-0002  
Phone - 915.674.2441  
FAX - 915.674.2417

KEYJ-FM  
Attn: News Director  
1740 North 1<sup>st</sup> Street  
Abilene TX 79603  
Phone - 915.677.7225  
FAX - 915.673.0670

KGNZ-FM  
Attn: News Director  
542 Butternut  
Abilene TX 79602  
Phone - 915.673.3045  
FAX - 915.672.7938

KBCY-FM  
Attn: Program Director  
PO Box 3337  
Abilene TX 79604  
Phone - 915.673.5252  
FAX - 915.675.6449

KTAB-TV  
Attn: Program Director  
PO Box 5309  
Abilene TX 79608  
Phone - 915.695.2777  
FAX - 915.691.5822

**NOTE:** The relative isolation of the area and the scattered population does not lend itself to the use of any general circulation medium. Rather, targeted direct mail notices to the list of recorded property owners and other interested parties is the primary method of communication. For required legal notices, the area is served by a weekly newspaper, the *Jim Ned Journal*.

# Key Project Personnel

Project Manager

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Texas Commission on Environmental Quality

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Community Relations Coordinator

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# Program Document Repositories

Tuscola City Hall  
418 Graham Street  
Tuscola, Texas, 79562  
Phone 915.554.7766

Abilene Public Library  
202 Cedar Street  
Abilene, Texas 79601  
Phone 915.677.2674.

Texas Commission on Environmental Quality  
Records Management Center

Physical Address:  
12100 Park 35 Circle  
Building E, Central Record  
Austin, TX 78753  
Phone 512.239.2920  
8:00 a.m. - 5:00 p.m. Monday-Friday

Texas Commission on Environmental Quality  
Records Management Center

Mailing Address:  
P O Box 13087 MC-144  
Austin, TX 78711-3087